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(SPACE BELOW FOR FILING STAMP ONLY)

FILED
Robert D. Zumwalt, Clerk

SEP 22 1978

BY E. AMUNOSH, Deputy

Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN DIEGO

GREMLIN INDUSTRIES, a
Delaware Corporation,

Plaintiff,

v.

CIRCLE INTERNATIONAL CO.,
INC., etc. et al.,

Defendants.

No. 416704

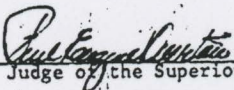
ORDER RE MOTION FOR
CHANGE OF VENUE

On August 24, 1978, at 1:30 p.m. in Department Five of the above-entitled Court, the Honorable Paul Eugene Overton presiding, RICHARD R. FREELAND from the firm of ASARO & KEAGY appeared on behalf of plaintiff GREMLIN INDUSTRIES, and RICHARD J. GREENE from the firm of KIRSCH, ARAK & BULMASH appeared on behalf of defendant CIRCLE INTERNATIONAL CO. at the regularly scheduled hearing on said defendant's motion for change of venue. Having considered the Notice, Motion, Points and Authorities, and Declaration submitted and filed with the Court, as well as the oral argument presented at the time of said hearing, and good cause appearing therefor,

IT IS HEREBY ORDERED that for the reasons contained in plaintiff's Points and Authorities filed with this Court on

1 August 22, 1978, that plaintiff may proceed with the above
2 entitled action in the above entitled Court, and that defend-
3 ant's motion for order changing venue is hereby denied. Said
4 defendant shall have up to and including October 13, 1978,
5 in which to file his responsive pleadings to the Complaint on
6 file herein.

7 Dated: 9-22-78

8 
9 Judge of the Superior Court

10 APPROVED AS TO FORM:

11 KIRSCH, ARAK & BULMASH

12 By: ~~*~~
13 Richard J. Greene
14 Attorneys for Defendant

15 * See letter of 8-31-78
16 and transcript filed 9-22-78

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F I L E D
Robert D. Zumwalt, Clerk
SEP 22 1978
BY E. AMUNDSEN, Deputy

September 12, 1978

Honorable Judge Paul E. Overton
San Diego Superior Court
Department 16
220 W Broadway
San Diego, CA. 92101

Re: Gremlin Industries v. Circle International
Co., etc., et al.,
Superior Court Case #416704

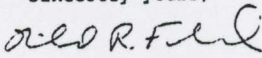
Dear Judge Overton:

Enclosed is an Order proposed by Plaintiffs on Defendants' Motion for Change of Venue. Also enclosed is a letter from Mr. Richard J. Greene, attorney for the Defendants, expressing concern of the Order as proposed.

If this Order meets with the Court's approval, would you please sign it, have it filed, and return a conformed copy for our records.

In the event you require a modification of this Order, please advise.

Sincerely yours,



RICHARD R. FREELAND

RRF:jf
Enclosure

cc: Richard J. Greene

SEP 22 1978

LAW OFFICES
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August 31, 1978

IN REPLY REFER TO
GF #1146.25RECEIVED
SEP 5 1978Richard R. Freeland, Esq.
Asaro & Keagy
304 Kalmia Street
San Diego, California 92101Re: Gremlin Industries vs.
Circle International

Dear Mr. Freeland:

Pursuant to our telephone conversation of August 31, 1978, I am enclosing herewith the original of the proposed Order which your office prepared relative to the hearing on Defendants' Motion for Change of Venue in the above-captioned matter.

At firstly, I changed the date on Page 2, at line 4, pursuant to our conversation, to reflect the correct date as being October 13, 1978.

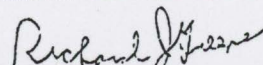
In addition, as we discussed, I am concerned as to signing approval as to form or content of the Order in its present form, in that the Order states that the Court's denial of the Motion for Change of Venue was limited to the reasons contained in Plaintiff's Points and Authorities filed with the Court. I do not feel that the Court, in announcing its decision, limited its ruling to that extent, and am concerned about signing an approval as to such a contention.

You indicated that you would present the Order to the Court along with this letter and that Judge Oberton would amend the Order if he saw fit. Of course, I would appreciate a conformed copy of the final form Order once the Judge has signed it.

Thank you for your courtesy and cooperation regarding this matter.

Very truly yours,

KIRSCH, ARAK and BULMASH


Richard J. Greene

RJG:pac